

**Applicant:** Stephen E. Terry  
**Application No.:** 10/632,776

### **REMARKS/ARGUMENTS**

After the foregoing Amendment, Claims 1-28 are currently pending in this application. Claims 1, 4, 9, 15, and 21-28 have been amended to correct minor informalities. In the specification, paragraphs [0026], ~~[0027]~~, [0030] and the Abstract have been amended to correct minor informalities. Applicant submits that no new matter has been introduced into the application by these amendments.

#### **Objections to the Specification**

The Examiner objected to the specification because of minor informalities. The specification has been amended to correct the minor informalities. The withdrawal of the objection to the specification is respectfully requested.

#### **Objections to the Drawings**

The Examiner objected to the drawings because of reference numerals that appeared in the drawings but were not referred to in the description. The description has been amended to correct this issue. The withdrawal of the objection to the drawings is respectfully requested.

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**Claim Objections**

The Examiner objected to claims 1, 4, 9, 15, and 21-28 because of minor informalities which have been corrected by the foregoing amendment. The withdrawal of the objection to the claims 1, 4, 9, 15, and 21-28 is respectfully requested.

**Claim Rejections - 35 USC §112**

Claims 21 and 25 stand rejected under §112 as having a lack of antecedent basis. Claims 21 and 25 have been amended to correct this issue and withdrawal of the §112 rejection of claims 21 and 25 is respectfully requested.

**Claim Rejections - 35 USC §102**

Claims 1, 4-9, 12-15, and 18-28 stand rejected under §102 as being anticipated by U.S. Patent no. 6,728,226 to Naito (hereinafter "Naito").

The present invention is related to power control of point to multipoint (PTM) physical channels. Specifically the present invention receives power information from wireless transmit/receive units (WTRUs), and adjusts a transmission power level of the particular channel so that if any receiver requires an increase in the transmission power level to meet that receiver quality

requirement, the transmission power level is increased and if all receivers exceed their quality requirement, the transmission power level is decreased.

Naito teaches a method of power control for PtM transmission where transmission power for the transmission is only raised where all of the mobile stations received power exceeds a threshold. When the received power for all of the mobile stations does not exceed the threshold, transmission power for the PtM transmission is decreased. Finally, when some, but not all, of the mobile stations exceed the threshold, transmission power for the PtM transmission is not changed. (See Naito Column 8, lines 28-42).

In the present application, independent claims 1, 9, 15, 21, and 25 all contain the element that if any receiver requires an increase in the transmission power level to meet that receiver quality requirement, the transmission power level is increased and if all receivers exceed their quality requirement, the transmission power level is decreased. Conversely, Naito will only increase the transmission power where all of the mobile stations require a power increase. The present application will increase transmission power where only one WTRU requires a power increase. Clearly, the power control scheme of Naito is different than the power control scheme of the present application. Therefore, Naito does not anticipate each and every element of claims 1, 9, 15, 21, and 25, and the claims are allowable over the cited prior art.

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Claims 4-8, 12-14, 18-20, 22-24, and 26-28 are dependent upon claims 1, 9, 15, 21, and 25, which the Applicant believes are allowable over the cited prior art of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §102 rejection of claims 1, 4-9, 12-15, and 18-28 is respectfully requested.

**Claim Rejections - 35 USC §103**

Claims 2, 3, 10, 11, 16 and 17 stand rejected under §103 as being unpatentable over Naito in view of U.S. Patent Application No. 2002/0157953, to Das et al. (Hereinafter, "Das").

Das relates to a method of transmitting control information in a wireless communication network in which one or more prescribed fields in an existing control channel structure is modified to enable express signaling directly between a base station and at least one Mobile station. Das does not teach a power control scheme of PtM transmissions.

Claims 2, 3, 10, 11, 16 and 17 are dependent upon claims 1 and 9 which the Applicant believes are allowable over the cited prior art of record for the same reasons provided above.

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Based on the arguments presented above, withdrawal of the §103 rejection of claims 2, 3, 10, 11, 16 and 17, is respectfully requested.

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**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including claims 1-28, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Stephen E. Terry

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